

Central New Hampshire Regional Planning Commission

28 Commercial Street ❖ Concord, NH 03301

Telephone: (603) 226-6020 ❖ Fax: (603) 226-6023 ❖ www.cnhrpc.org



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SUBDIVISION APPLICATION, FIRST REVIEW

DATE: NOVEMBER 12, 2021

TO: ALLENSTOWN PLANNING BOARD

FROM: MATT MONAHAN, CNHRPC

SUBJECT: 17 & 19 TOWNHOUSE ROAD CONDO CONVERSION

CC: S & H LAND SERVICES (via email)

DESCRIPTION OF THE PROPOSAL

The applicant, MDR Rehab and development, LLC, submitted an application for Map 105, Lot 54 and totaling 0.216 +/- acres on land owned by the same for the purpose of turning a duplex (one owner) to a condex (two owners). The site is located at 17 & 19 Townhouse Road, within the R-1 Zone. The current use on the site is duplex. Nearby or abutting uses to the site include residential uses.

ADMINISTRATIVE DETAILS

CNHRPC received a set of plans for the proposed Subdivision on November 5, 2021. The plan sets reviewed were entitled CONDOMINIUM SITE PLAN TAX AP 105 LOT 54 PREPARED FOR: THE 17 – 19 TOWNHOUSE ROAD CONDOMINIUM LOCATED AT 17 & 19 TOWNHOUSE ROAD ALLENSTOWN, NEW HAMPSHIRE and dated October 28, 2021 and consisted of two sheets as prepared by S&H Land Services. Pursuant to the request of the Town of Allenstown Planning Board, CNHRPC has reviewed the plans for compliance with the Allenstown Subdivision Regulations and applicable requirements. This memorandum is intended to apprise the Planning Board of submittal items required by the Allenstown Subdivision Regulations that are missing from the plan as well as zoning and general planning issues that should be considered with this proposed Subdivision. It is recommended to the Planning Board that any waivers or deviations from the submittal requirements be requested by the applicant in writing.

SUMMARY OF SUBMITTED ELEMENTS

CNHRPC has reviewed the following plans and documents:

1. A plan set entitled CONDOMINIUM SITE PLAN TAX AP 105 LOT 54 PREPARED FOR: THE 17 – 19 TOWNHOUSE ROAD CONDOMINIUM LOCATED AT 17 & 19 TOWNHOUSE ROAD ALLENSTOWN, NEW HAMPSHIRE and dated October 28, 2021 and consisted of two sheets as prepared by S&H Land Services.
2. A Declaration of Condominium.
3. A Town of Allenstown Subdivision Application Form.
4. A Town of Allenstown Subdivision Checklist.
5. A letter of authorization.
6. A town of Allenstown Planning Board Fee Acknowledgement.

7. An abutters list.
8. A waiver request.
9. A W9.

Any item indicated in this memo as missing from the plan could be a condition of approval if the Board felt such item(s) are relevant and are not waived. If the Board chooses to invoke jurisdiction and accept this application as complete, the timelines set forth in RSA 676:4C shall apply. If the application is accepted as complete, the Planning Board can enter into a public hearing if such a hearing was properly noticed in accordance with 676:4D.

SUMMARY HIGHLIGHTS AND MAJOR ISSUES

This overall summary highlights the major issues to be considered by the board with this application. Please refer to the whole memorandum for the full description of all the issues and concerns associated with the application, as well as additional details that pertain to the major issues listed below.

Major areas of focus for the project will include:

- Major Issues:
 1. Planning Boards process condominium conversions of existing structures via the subdivision approval process, but there are limits to the scope of review.
 2. Most pressing issue is to ensure that the condominium declaration documents are recorded at the Secretary of State's office prior to the sale of one or more of the units.

- Potential Conditions of Approval:
 1. That the Condominium Declaration Documents are reviewed by the Town Attorney and recorded at the Secretary of State's Office prior to the conveyance or sale of any unit.
 2. General Administrative Conditions of Approval, including the following
 - Professional stamps and signatures (surveyor and wetland scientist) as well as owner signatures need to be on the final plan.
 - All waivers granted and conditions of approval need to be on the final plan.
 - Final plans, as approved by the Planning Board, shall be provided to the Planning Board in a digital format.
 3. Any other conditions sought by the Board.

PLANNING BOARD ACTIVITIES

1. CHAIR READS APPLICATION AS PRESENTED ON AGENDA:
Chair reads the Description of the Proposal and the Administrative Details on Page 1.

2. APPLICANT PRESENTS THE SUBDIVISION APPLICATION.
Following formal recognition by the Chair, the Applicant or agent presents an overview of the application (background, existing use, proposed use, what is around the site, any waivers, any other relevant items or considerations).

3. CHAIR CALLS FOR PLANNER TO SUMMARIZE CONCERNS ABOUT THE SUBDIVISION APPLICATION.
Following formal recognition by the Chair, the Planner discusses issues associated with the application. Items include: Major Issues, Technical Review

Committee Comments, Checklist Requirements, Subdivision Regulations, Waivers Requested, Zoning Ordinance Requirements, Other Comments, and Completeness. These items are in the following PLANNER'S CONCERNS section.

4. CHAIR CALLS FOR CONSIDERATION OF REGIONAL IMPACT; PLANNING BOARD DELIBERATES AND VOTES.

Board must vote yes or no on regional impact. Refer to the following Potential Development of Regional Impact section.

5. CHAIR CALLS FOR CONSIDERATION OF REQUESTED WAIVERS; PLANNING BOARD DELIBERATES AND VOTES.

Board must vote to approve or deny waivers requested. Refer to Waivers Requested from the following Subdivision Regulations section.

6. CHAIR CALLS FOR CONSIDERATION OF COMPLETENESS; PLANNING BOARD DELIBERATES AND VOTES.

Board must vote to accept the application as complete or deem it incomplete. If voted incomplete, a specific reason must be given (from checklist, regulations, or zoning) and it must be voted "incomplete without prejudice." Board can also continue the application to a specific future meeting if the applicant agrees. Refer to the following Completeness and Public Hearing section.

7. CHAIR OPENS PUBLIC HEARING.

Public hearing opened. Board listens to the concerns of abutters and considers the merits of the application. Board can continue the public hearing to a certain date if applicant is in agreement.

8. CHAIR CLOSSES PUBLIC HEARING; PLANNING BOARD DELIBERATES AND VOTES TO APPROVE OR DENY THE APPLICATION.

Board votes to approve or deny the application as presented. Approval can be an approval or a conditional approval. If conditional approval, Chair calls for Planner to read potential conditions of approval (Board may add others at this time) prior to a motion being made by a member. If denied a specific reason or reasons must be specified in the motion.

PLANNER CONCERNS

Allenstown Subdivision Checklist Requirements:

No issues identified at this time, subject to the review of the Planning Board.

Allenstown Subdivision Regulation Requirements:

No issues identified at this time, subject to the review of the Planning Board.

Waivers Requested from Subdivision Regulation Items:

The applicant has requested the following waivers

1. Section 5.01c for soil types.
2. Section 5.01e, 5.02c, and 5.02l for grades, profiles, and elevations of existing streets.
3. Sections 5.02j and 5.02j.1 for a drainage study.
4. Section 5.02k for soil delineation and analysis and wetland delineation.
5. Sections 5.02m and 5.06e for statements of water/sewer capacity.
6. Section 5.06f for police and fire approvals for traffic and fire access.
7. Checklist item 36 for stormwater management.

As the proposal is for the conversion of an existing duplex to a two-unit condominium and no new construction is proposed, all of the waivers seem reasonable.

Allenstown Zoning Ordinance Requirements:

No issues identified at this time, subject to the review of the Planning Board.

POTENTIAL DEVELOPMENT OF REGIONAL IMPACT

1. In accordance with RSA 36:56, the Board shall determine if the proposal is a development of regional impact:

“A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact.” That said, the proposal does not appear to have a regional impact because of where the site is located and that the structure is existing.

OTHER COMMENTS

The following are advisory comments based upon commonly held planning principles and the review of the plans received. These comments represent the opinion and professional discretion of the reviewer in considering the materials received in relation to this proposal.

2. The condominium declaration documents will need to be reviewed by the Town Attorney and will need to be recorded at the Secretary of State’s office prior to either of the unit being sold.
3. The Applicant should demonstrate to the Board that all fees to the Town have been paid.
4. Any conditions of approval and waivers granted should be listed on the final plan to be signed.
5. The Notice of Decision should be recorded at the Merrimack County Registry of Deeds.

COMPLETENESS AND PUBLIC HEARING

Given the nature of the proposal and the items submitted, the application could be considered complete once the waivers have been addressed.

Incomplete applications may be continued if the Planning Board and applicant are in agreement to do so, or, short of such an agreement the Planning Board could vote the application “incomplete without prejudice,” citing specific reason(s) and the applicant may reapply.

The Planning Board can enter into a public hearing if the application is deemed complete (provided such a hearing was properly noticed). Timelines set forth in RSA 676:4C will also apply.